

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29375 of 2016

ORDER :

This writ petition is filed declaring the action of the respondent – Greater Hyderabad Municipal Corporation (for brevity “the Corporation”) authorities in interfering with the construction work of the petitioner in respect of his properties bearing Nos.8-3-332/1/B and 8-3-332/C, situated at Road No.3, Banjara Hills, Hyderabad, as arbitrary and illegal.

2. The petitioner is the absolute owner of the premises bearing Nos.8-3-332/1/B and 8-3-332/C, situated at Road No.3, Banjara Hills, Hyderabad, having purchased the same from the lawful owners. With an intention to raise new construction by demolishing the old structures, he has applied for building permission on 07.05.2016 for construction of stilt + 4 floors in the said premises. Since he was not informed about acceptance or rejection of his application for building permission and after waiting for a considerable time, he served a notice under Section 437 of the Greater Hyderabad Municipal Corporation Act, 1955 (for brevity “the Act”) on 22.08.2016, informing the Commissioner and the Assistant City Town Planning Officer, Circle No.10, Hyderabad, of the respondent - Corporation that he is

commencing construction in the above said premises from 25.08.2016, for failure to communicate the orders on his application. However, as the authorities of the respondent – Corporation are interfering with his construction activity in the said premises, the petitioner has filed the present writ petition.

3. Placing reliance on the said communication, learned counsel for the petitioner would submit that in view of compliance of the requirement under Section 437 of the Act, it is not permissible for the respondent – Corporation to interfere with the construction activity undertaken by the petitioner and obstruct the same.

4. On the other hand, learned Standing Counsel for the respondent – Corporation has produced copies of the letter dated 21.05.2016 and further letter dated 17.06.2016, whereunder the petitioner was informed that on a scrutiny of his building permission application and on inspection of the proposed site, as the deficiencies found in the said application were not complied with, the same was returned as unapproved. According to the learned Standing Counsel, these two letters were served to the representative of the petitioner, the copies of which are furnished to the learned counsel for the petitioner in the open Court.

5. In view of the above, since the petitioner was already informed that his building permission application was returned as unapproved, the question of permitting him to undertake any construction activity in the subject premises or giving a direction to the respondent – Corporation not to interrupt the construction activity undertaken by the petitioner would not arise, until his application is processed again and approval is obtained.

6. For the aforesaid reasons, the writ petition deserves to be dismissed and accordingly dismissed, leaving it open to the petitioner to workout the remedies, if he is aggrieved by the communication given to him, as referred above. No order as to costs.

7. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE P. NAVEEN RAO

16.11.2016.
Msr

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